

**To:** Calanog, Steve[Calanog.Steve@epa.gov]  
**Cc:** Allen, HarryL[Allen.HarryL@epa.gov]  
**From:** Manzanilla, Enrique  
**Sent:** Fri 9/2/2016 10:12:06 PM  
**Subject:** FW: Exide question

Per our conversation...

**From:** Patel, Suhasini@DTSC [mailto:Suhasini.Patel@dtsc.ca.gov]  
**Sent:** Thursday, August 25, 2016 8:39 AM  
**To:** Meer, Daniel <Meer.Daniel@epa.gov>  
**Cc:** Bayar, Zoe@DTSC <Zoe.Bayar@dtsc.ca.gov>; Henley, Cheryl <Henley.Cheryl@epa.gov>; Manzanilla, Enrique <Manzanilla.Enrique@epa.gov>  
**Subject:** RE: Exide question

Good morning Dan,

Responding to your specific questions:

1. Are DTSC or DPH taking any preemptive actions with these 83 residences, for example targeted outreach to those families with some education on how to avoid lead exposure for the children?

DTSC has shared a list of properties with soil lead concentration >1000 ppm with LA CPH; and they were sending Promotoras [Health Educators/Nurses] to these properties. DTSC is also working on an Interagency Agreement with LA CPH to continue this outreach by the Promotoras

2. Also, can EPA get those 83 residences on a data layer for mapping? Is there any pattern to their distribution?

Our past review has not shown any patterns but we have not done this exercise with all of the new data we have collected since last August. I will request that map from our IT staff and share it with USEPA.

3. And finally, do you know of any provision in CEQA that allows for emergency waivers from the CEQA process, if there is an imminent and substantial endangerment determination?

I believe there is a waiver for imminent and substantial endangerment but, I would like to consult our CEQA experts. In response to a question regarding emergency waiver, CEQA experts shared this -

**“The CEQA exemption for an emergency has been narrowly interpreted and applied by the courts. The exemption has been limited to “occurrences” such as forest fires, floods, earthquakes, and similar events, rather than “conditions” such as exists in the vicinity of the former Exide facility. A leading court opinion has stated that the exemption should be narrowly construed because this is consistent with the policy of construing CEQA to afford the maximum possible protection of the environment. The interest of stakeholders in protecting the environment reflects the importance of studying the effects of the project, whether through a formal CEQA analysis or by its functional equivalent. “**

-----Original Message-----

From: Meer, Daniel [<mailto:Meer.Daniel@epa.gov>]

Sent: Wednesday, August 24, 2016 2:17 PM

To: Patel, Suhasini@DTSC <[Suhasini.Patel@dtsc.ca.gov](mailto:Suhasini.Patel@dtsc.ca.gov)>

Cc: Bayar, Zoe@DTSC <[Zoe.Bayar@dtsc.ca.gov](mailto:Zoe.Bayar@dtsc.ca.gov)>; Henley, Cheryl <[Henley.Cheryl@epa.gov](mailto:Henley.Cheryl@epa.gov)>;

Manzanilla, Enrique <[Manzanilla.Enrique@epa.gov](mailto:Manzanilla.Enrique@epa.gov)>

Subject: RE: Exide question

Su and Zoe - a couple of other things came up regarding the 83 residences.

Are DTSC or DPH taking any pre-emptive actions with these 83 residences, for example targeted outreach to those families with some education on how to avoid lead exposure for the children?

Also, can EPA get those 83 residences on a data layer for mapping? Is there any pattern to their distribution?

And finally, do you know of any provision in CEQA that allows for emergency waivers from the CEQA process, if there is an imminent and substantial endangerment determination?

Thanks, Dan

Daniel A. Meer, Assistant Director

Superfund Division

Emergency Response, Preparedness and Prevention Branch

415.972.3132 (O)

415.971.6792 (C)

-----Original Message-----

From: Meer, Daniel

Sent: Wednesday, August 17, 2016 3:35 PM

To: 'Patel, Suhasini@DTSC'

Cc: Manzanilla, Enrique

Subject: RE: Exide question

Su - thanks very much for the quick turn around to my question. Best. Dan Meer

Daniel A. Meer, Assistant Director

Superfund Division

Emergency Response, Preparedness and Prevention Branch

415.972.3132 (O)

415.971.6792 (C)

-----Original Message-----

From: Patel, Suhasini@DTSC [<mailto:Suhasini.Patel@dtsc.ca.gov>]

Sent: Wednesday, August 17, 2016 3:33 PM

To: Meer, Daniel

Cc: Manzanilla, Enrique

Subject: Re: Exide question

Hi Dan and Enrique,

We have identified 83 properties out of the 172 properties with children present that have soil lead concentration of >1200 ppm.

Please let me know if you have any questions.

Su

Sent from my iPhone